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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design. (U 39 M)	Application 06-03-005 (Filed March 2, 2006)

ASSIGNED COMMISSIONER'S RULING REQUESTING COMMENTS ON DYNAMIC PRICING ISSUES

An Assigned Commissioner's Ruling (ACR) and Supplemental Scoping Memo dated July 25, 2006 initiated a new phase in this proceeding to implement Commission policy by developing and integrating well-designed dynamic pricing tariffs into Pacific Gas and Electric Company's (PG&E's) rate design for all customers. It is now necessary to investigate issues and move toward the implementation of dynamic pricing tariffs for PG&E.

The July 25, 2006 ruling listed three questions that should be answered in this phase of the proceeding:

1) What types of dynamic pricing tariffs should PG&E offer to its customers?
2) When should PG&E offer each type of dynamic pricing tariffs to each customer class?
3) How should the dynamic pricing tariffs be designed and integrated into PG&E's overall rate design?

The endpoint of this phase will be a Commission decision that adopts rate design principles, exemplary dynamic pricing tariffs, and a timetable that PG&E will be required to follow to implement actual dynamic pricing tariffs. The timetable will address whether the new rates should be implemented in PG&E's next scheduled rate case or sooner.

Consistent with the July 25, 2006 ruling, the Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) have been invited to participate in this proceeding so that the policies adopted here can be applied in the upcoming rate design proceedings of the other electric utilities.

This ruling is being issued to request parties' comments on three topics as a prelude to issuing a further ruling that will set the issues, schedule, and other matters required to be identified in the Dynamic Pricing Phase.

First, I want to ensure that the list of issues to be addressed in this proceeding is complete. Attachment A to this ACR contains a list of issues prepared by the staff of the Commission's Energy Division. This was developed in part from the comments received in response to the July 25, 2006 ACR. Parties are asked to comment on the completeness of the issues list, indicating any items they believe should be added, deleted or refined in some fashion, indicating specifically the changes they would recommend. This is not the time to indicate substantive concerns with or support for various approaches, but merely what topics should be within the scope of this Dynamic Pricing Phase for discussion.

Second, Attachment B to this ACR describes the process to address the issues and contains a tentative schedule for this Dynamic Pricing Phase through the development of sample rates. Parties are invited to comment on the schedule, indicating any adjustments they might recommend and the reasons for those suggestions.

Finally, Pursuant to Rules 7.3(a) and 7.5, I propose to recategorize this phase of the proceeding as "quasi-legislative." This phase will be focused on establishing dynamic pricing policy, which could affect all electric utilities. I do not intend to set rates for PG&E in this proceeding. The setting of rates will occur in subsequent applications filed by PG&E and the other utilities. Therefore, I ask parties to comment on my proposal to recategorize this Dynamic Pricing Phase as quasi-legislative.

Once these comments are received, I will issue a further ruling establishing the issues, schedule, categorization, and other components of the Dynamic Pricing Phase.

Therefore, **IT IS RULED** that:

1. A preliminary list of issues for this proceeding, and the preliminary schedule for addressing these issues, are set forth in Attachments A and B of this ruling.

2. Interested parties shall submit comments by August 13, 2007 on whether this list of issues should be modified, the appropriateness of the proposed schedule and the proposal to recategorize this Dynamic Pricing Phase as quasi-legislative.

Dated July 31, 2007, at San Francisco, California.

/s/ RACHELLE B. CHONG
Rachelle B. Chong
Assigned Commissioner

ATTACHMENT A

Issues List

Rate Design

I. Objectives of the tariffs

1. What should the Commission consider as primary objectives to be achieved by time-differentiated tariffs? How should the various objectives be prioritized? Some objectives, in no particular order of importance, are listed below:

- *Design time variant tariffs to reflect cost causation.* If the price faced by a consumer is close to the marginal cost of providing the electric service, the consumer can make efficient decisions and adjustments in usage patterns. Consumers may be able to lower their overall energy costs by reducing their electricity consumption during higher cost periods or shifting consumption from high cost to low cost periods.
- *Design time variant rates to reduce peak load and to flatten the load curve.* The electric utility must make capital investments and contractual commitments to satisfy peak electric demand. Some of the generation, distribution, and transmission capacity is only needed during limited hours each year. Such investment may be avoided in the future if customers are faced with rates that are higher during peak hours and lower during off-peak hours. The average customer's rates should decline as a result.
- *Design time variant tariffs to reduce load in the face of short-term supply shortfall.* Unforeseen supply shortfalls can lead to involuntary curtailment of electric service to consumers. The probability of involuntary curtailment may not be reflected in the wholesale price. Tariffs that are specifically designed to reduce load in the face of supply shortfalls could help to avoid involuntary curtailment.

2. How should the Commission resolve the trade-off between accuracy and simplicity of the tariffs?

3. What other objectives should be considered by the Commission in this process?

II. Rate options

1. What rate options should be offered to each type of customer?

Dynamic tariffs could include some or all of the following rate strategies:

- Peak, mid peak and off-peak period TOU rates.[1]
- TOU rates that have more time periods, such as hourly.
- Real time prices (RTP).[2]
- Pre-defined high super peak rates during critical peak periods, or Critical Peak Prices (CPP).[3]
- Rebates during critical peak periods.
- Any other?

2. Which tariffs should be voluntary, default with opt-out provisions, or mandatory?

3. What are the advantages and disadvantages of rebates as an alternative to rates?

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[1] Time-of-use (TOU): A rate in which predetermined electricity prices vary as a function of usage period, typically by time of day, by day of week, and/or by season. (Glossary of Retail Electricity Rate Terms, Attachment A to D.03-03-036).

[2] Real-Time Pricing (RTP): A dynamic rate that allows prices to be adjusted frequently, typically on an hourly basis, to reflect real-time system conditions. (*Id.*)

[3] Critical Peak Pricing (CPP): A dynamic rate that allows a short-term price increase to a predetermined level (or levels) to reflect real-time system conditions. In a fixed-period CPP, the time and duration of the price increase are predetermined, but the days are not predetermined. In a variable-period CPP, the time, duration and day of the price increase are not predetermined. (*Id.*)

4. Should customers be offered a large variety of rate options so that customers can find a rate option that works for them, or should customers be offered a small number of options to avoid confusion, simplify marketing and minimize administrative costs?

III. Components of dynamic pricing tariffs

1. What costs should be recovered through the time-variant portion of the rate?

2. How should time variant costs be determined?

3. Should some costs be recovered through a flat customer charge, demand charge, and/or non-varying per kW-hour charge?

4. Should the component of the rate that is collecting fixed costs vary over time? If so, how should fixed costs be allocated to different time periods?

5. How should the costs for public purpose programs and other non-bypassable charges be reflected in the time-variant portion of rates, if at all?

6. What balance between fixed and time-variant costs will achieve the objectives of the tariffs?

IV. Recovering the revenue requirement

1. How can rates be designed to both recover the revenue requirement and communicate price information?

2. How can rates be designed to avoid large periodic rate adjustments to recover revenues?

3. Does the utility need to be able to forecast accurately the response of customers to these differential rates?

4. Do the utilities need reliable estimates of price elasticities of demand for customers to make sales projections?

5. What estimates of price elasticities exist and can be relied upon by this Commission?

6. If a utility's bilateral contracts are at prices above or below the price reflected in dynamic rates, how should the difference between the utility's costs and tariff price be collected or refunded?

7. If customer responses to dynamic pricing tariffs result in revenue over- or under-collections, should the over- or under-collection be addressed by adjusting rates within the customer's class, or should the over- or under-collection be addressed by adjusting rates for all customer classes?

8. Should dynamic pricing tariffs be revenue-neutral with respect to a flat tariff option, or should a hedging premium or other discount be subtracted from the dynamic pricing tariffs?

9. If the average cost to serve customers on a particular dynamic pricing tariff is less than the cost to serve customers not on the tariff, can the tariff be structured so that the dynamic pricing customers have a lower average cost?

V. Hedging

1. Should customers have the opportunity to hedge the price risk under some or all of the dynamic tariff options?

2. Should hedging options be offered by the utility, or should rates be structured so that hedging can be obtained externally in the marketplace?

3. If a hedging premium is incorporated into relatively flatter rates, what should the premium be and how should it be determined?

4. Should customers have the opportunity to hedge through a two-part tariff in which part of their consumption is purchased at a fixed rate and the rest is purchased at the dynamic rate?

VI. Sources of prices for RTP and other dynamic prices

1. Should RTP be linked to wholesale market prices or some other price or cost information?

2. If RTP tariff is linked to wholesale market prices, what wholesale market prices should the tariff be linked to?

3. Will the variation in wholesale market prices impact customer behavior?

4. Should tariffs be tied to the day-ahead or the same-day real time price?

5. How should the real time price be communicated to customers?

6. Should the RTP rate be a two-part rate with both a fixed price portion for part a customer's usage and a dynamic portion for the remaining usage?

VII. Residential rate issues

1. What dynamic rates should be offered to residential customers while the rate protection offered under AB 1X remains in effect?[4,5]

2. What types of dynamic rates can be offered to residential customers if the AB 1X rate protection is lifted by the Legislature or is no longer effective?

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[4] AB 1X refers to Assembly Bill No. 1 from the 2001-2002 First Extraordinary Session as codified by Water Code section 80000 et seq. Water Code section 80110 protects the rates of residential customers for usage up to 130 percent of baseline quantities.

[5] In D.06-10-051 the Commission found that PG&E's voluntary residential CPP rate adopted in D.06-07-027 is not prohibited by AB 1X because the CPP rate is optional. Furthermore, D.06-10-057 states that "The Decision is also consistent with other decisions where we have authorized similar tariff options enabling customers to better manage their overall electricity consumption patterns, thereby helping to ensure adequate state-wide electricity supply as more broadly intended by AB 1X." (P. 5.) Changes to the Commission's interpretation of AB 1X are beyond the scope of this proceeding.

3. How can rates be designed to maximize residential participation while the AB 1X rate protection remains in effect?

4. How much additional demand response could be provided if AB 1X rate protection were no longer effective? How much money could residential customers save by participating in dynamic pricing rates?

5. Should low-income residential customers be offered discounted dynamic rates or other dynamic rate options?

VIII. Critical Peak Pricing

1. What should a CPP rate be based on? Is there a reliability value that is not included in wholesale power prices that should be incorporated into the tariff?

2. How long should the critical peak period be?

3. How can a CPP tariff be structured to allow for a variable number of events each year while still recovering the revenue requirement?

4. Should a customer have the option to pay a hedging premium to avoid CPP events?

5. Is the potential customer savings or cost great enough under a CPP rate to motivate a customer response?

IX. Tenant-occupied commercial buildings

1. Does PG&E Electric Rule 18 need to be changed to allow electric consumers in tenant occupied commercial buildings to benefit from dynamic pricing?[6]

X. Relationship to other demand response programs

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[6] Rule 18 is being addressed in the 2007 Rate Design phase of this proceeding.

1. How, if at all, should dynamic pricing rates impact existing demand response programs such as reliability-oriented demand response tariffs and programs?

2. Should customers have the option to simultaneously participate in dynamic pricing tariffs and interruptible or other reliability programs?

3. Should customers have the option to simultaneously participate in dynamic pricing tariffs and other price-responsive programs?

XI. Timing of tariff roll-out

1. When should time-differentiated tariffs be introduced for each customer class? How does the meter installation schedule for small commercial and residential customers impact when tariffs should be introduced?

Customer Education

I. What type of education and marketing is necessary to help customers understand new dynamic tariff options?

II. How much money is needed for education and marketing?

III. How should education and marketing be funded?

IV. How should customer bills be designed to communicate information about dynamic rates?

V. What information should be available on the Internet?

VI. How should CPP events and dynamic prices be communicated to customers?

Enabling Technology

I. In addition to interval meters, do the utilities need to offer enabling technologies to facilitate customer response to dynamic pricing?

II. Will the introduction of dynamic pricing create a demand for enabling technologies that will drive the marketplace, even without additional subsidies or regulations?

III. Should the CPUC increase technical assistance and technical incentives in conjunction with new rate options to subsidize enabling technologies?

IV. Should enabling technologies be encouraged in other ways, such as through California Energy Commission standards?

V. What additional technologies, if any, are necessary to communicate dynamic prices to customers?

(END OF ATTACHMENT A)

ATTACHMENT B
Overview of Process and Schedule

Electric utility rate design is very complex and is subject to a variety of constraints. In recent years, rate design has been resolved through settlements rather than through extensive litigation. This has resulted in a more opaque rate design, often masking underlying rate design policies. Our challenge here is to take a different approach toward rate design and give a high priority to policy objectives. We propose to accomplish this by developing rate design principles, developing exemplary dynamic pricing tariffs, and establishing a timetable that PG&E will be required to follow to implement actual dynamic pricing tariffs.

DRRC Project

The efforts in this phase will be aided by a new project sponsored by the Demand Response Research Center (DRRC).[1] The DRRC's project will investigate the relationship between rate design and energy efficiency and demand response.

The DRRC project can significantly contribute to the dynamic pricing development at the Commission. The DRRC's project objectives are as follows:

- Identify the leading issues in rate design
- Identify barriers and constraints
- Propose remedies and solutions
- Develop strawman rate designs that illustrate the solutions
- Draw out these themes in workshops

[1] The DRRC is led by Lawrence Berkeley National Laboratory, and this project is funded by the CEC's Public Interest Energy Research (PIER) program.

- Work closely with the CPUC, the California Energy Commission, the utilities and obtain guidance from a national Peer Review Group

The DRRC's project will help inform the Commission and parties in this proceeding. Therefore, the results of the DRRC project will likely be made part of the record.

The DRRC intends to hold a workshop on August 31 which the CPUC will host.

Structure of the Dynamic Pricing Phase

This phase will include written comments and workshops.

After receiving comments on this ruling, the Assigned Commissioner will issue a ruling finalizing the issues to be addressed in this proceeding and schedule. On August 31 the CPUC will host a workshop that the DRRC will conduct in conjunction with its research project.

Parties will develop their positions on the issues and file comments by September 17. At a workshop on September 27, parties will discuss their positions with the Commission and the other parties. Additional days of workshops may prove to be necessary.

Following the workshop(s) parties will have an opportunity to summarize their positions through a workshop report and written comments.

Following the filing of post-workshop comments the Assigned Commissioner will issue a Ruling that will describe any follow-up tasks to be performed and identifying who will perform these tasks. Specifics will be developed regarding required tasks after the workshop and after receiving inputs from the parties.

In November, the DRRC intends to develop sample rates as part of its research project. Additionally, the Assigned Commissioner will issue a ruling listing the draft rate design principles that should be used by PG&E to develop exemplary rates. PG&E's exemplary rates are expected to be more detailed than the DRRC's straw rate design, and should be specific to PG&E.

PG&E will be expected to present its exemplary rates in one or more workshops. The DRRC may also present its strawman rates at the same workshop. The rates should be presented in such a manner that parties can review them in relation to the rate design principles. PG&E may be asked to run additional scenarios or develop alternative approaches.

A tentative schedule is indicated below:

Schedule

The following is a preliminary schedule that initiates our review of rate design, customer education, and enabling technology issues.

Date	Action
Aug. 9, 2007	Comments on tentative list of issues, schedule, and categorization
Aug. 20, 2007	Further Ruling on issues, schedule and categorization
Aug. 31, 2007	CPUC hosts DRRC Rates Workshop
Sept. 17, 2007	Parties file comments on issues
Sept. 27, 2007	Workshop to address issues
Oct. 12, 2007	Workshop report filed
Oct. 19, 2007	Parties file post-workshop comments
Nov. 2, 2007 tentative	Ruling describing any tasks to be performed and identifying who will perform the tasks
Nov. 30, 2007 tentative	Parties file any reports on assigned tasks
Early-Dec. 2007	Strawman rates prepared
Mid-Dec. 2007	Workshop on strawman rates
Early-Jan. 2008	Workshop report and post-workshop comments on strawman rates
First Qtr 2008	Workshop on Customer Education and Enabling Technologies
First Qtr 2008	Parties file comments regarding Customer Education and Enabling Technologies
Second Qtr 2008	Proposed Decision on Dynamic Pricing policy

(END OF ATTACHMENT B)

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated July 31, 2007, at San Francisco, California.

/s/ KE HUANG

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